

Patent
071949-1307**REMARKS**

The present invention relates in part to immunoassay devices comprising elements for the controlled flow, delivery, incubation, separation, washing and other steps of the assay process. The devices of the present invention can provide advantageous capture efficiencies and sensitivities for the assay of plurality of target molecules.

Claims 74-84 and 92-100 are presently pending. Claims 85-91 have been canceled without prejudice. Notwithstanding the foregoing, Applicant expressly reserves the right to pursue subject matter no longer claimed in the instant application in one or more applications which may claim priority hereto. Applicant respectfully requests reconsideration of the claimed invention in view of the foregoing amendments and the following remarks.

35 U.S.C. § 102

Claims 85-91 have been rejected under 35 U.S.C. § 102(e) as anticipated by Watts *et al.*, U.S. Patent No. 5,437,983 ("the '983 patent"). It is respectfully submitted that the rejection is unfounded and in error. However, to further prosecution of the case, Applicant has chosen to cancel claims 85-91. Thus, the rejection is moot and should be withdrawn.

Claims 85 and 86 have been rejected under 35 U.S.C. § 102(e) as anticipated by Ullman *et al.*, U.S. Patent No. 5,512,659 ("the '659 patent"). It is respectfully submitted that the rejection is unfounded and in error. However, to further prosecution of the case, Applicant has chosen to cancel claims 85 and 86. Thus, the rejection is moot and should be withdrawn.

Obviousness-Type Double Patenting

Claims 74-100 have been rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-50 and 1-2 of U.S. Patent no. 6,019,944 and U.S. Patent no. 5,885,527, respectively. Filed herewith is a terminal disclaimer over patents 6,019,944 and 5,885,527. Accordingly, the Examiner is requested to withdraw the rejection.

Patent
071949-1307

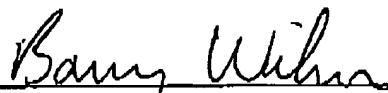
Claims 85 and 86 have been rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-21 of U.S. Patent no. 6,143,576. However, to further prosecution of the case, Applicant has chosen to cancel claims 85 and 86. Thus, the rejection is moot and should be withdrawn.

CONCLUSION

Applicant respectfully submits that the pending claims are in condition for allowance. An early notice to that effect is earnestly solicited. Should any matters remain outstanding, the Examiner is encouraged to contact the undersigned at the address and telephone number listed below so that they may be resolved without the need for additional action and response thereto.

Respectfully submitted,

By

Date October 16, 2003

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